

NOTICE OF INTENT

Department of Culture, Recreation and Tourism
Office of the Secretary

Byways (LAC 25:XI.101)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Culture, Recreation and Tourism intends to promulgate a rule entitled "Segmentation of Louisiana Byways" in accordance with R.S. 56:1948.7.B.

Pursuant to R.S. 56:1948.7, the secretary of the Department of Culture, Recreation and Tourism is authorized to promulgate rules and regulations that set forth the procedure and criteria designated for the Louisiana byways system. This proposed rule will set forth such a procedure in accordance with the criteria specified in R.S. 56:1948 et seq.

Title 25

CULTURE, RECREATION AND TOURISM

Part XI. Office of the Secretary

Chapter 1. Byways

101. Segmentation of Louisiana Byways

A. Byway designations do not have to be contiguous. A specific segment of an existing or proposed Louisiana byway may be excluded from the Louisiana byway system upon the recommendation to, and determination by, the secretary of the Department of Culture, Recreation and Tourism (secretary) as provided by R.S. 56:1948.7. The local byway authority, commission or entity (commission) of each respective byway may recommend to the secretary a de-designation or exclusion of a byway segment if said portion does not contain the intrinsic values of natural, recreational, archaeological, scenic, cultural or historical features as described in R.S. 56:1948.2 and 56:1948.3. The beginning and ending of any excluded segment will be at those points of visible change in the appearance of the adjacent features along the byway.

B. Local agencies, organizations or interested residents of the parish in which a segment of a proposed or existing byway area exists may petition, in writing, the local commission for a hearing on the exclusion of a segment of the local byway. This hearing shall be held within 30 days of the commission's receipt of the petition from the applicant, and reasonable notice of the time and date of the hearing shall be given to the applicant.

C. Within 10 days of the hearing, the commission shall submit to the secretary a resolution stating the commission's recommendation to either concur with or deny the applicant's request for exclusion. The recommendation of the commission is not a final decision on the issue of exclusion. All commission recommendations are forwarded to the secretary for his consideration and final decision. The commission's resolution must provide written reasons for its recommendation and shall include the following:

1. identification of the byway at issue and as designate in accordance with R.S. 56:1948 et seq;
2. identification of the entity that proposed the byway in accordance with R.S. 56:1948.4;
3. identification of the beginning and ending of the segment recommended to be excluded, measured in relation to permanent public features of the byway such as intersecting highways, municipal and parish boundaries and public buildings;
4. a description of the zoning on the adjacent land, including the name of the zoning authority, if zoned; or if unzoned, a description of the commercial or industrial activities located on the adjacent land, including the name of any businesses and the boundaries of the regularly used areas of such businesses;
5. a report of the differences between the segment to be excluded and the criteria for Louisiana byway designation in R.S. 56:1948.2 and R.S. 56: 1948.3.

D. Within 10 days of the receipt of the resolution from the local commission, the secretary shall send a copy of the commission's resolution and accompanying documents to the Department of Transportation and Development with a request for written concurrence or nonconcurrence within 30 days on the suitability of the recommended segment for exclusion.

E. Not less than 45 days after the receipt of the resolution and accompanying documents from the local byway commission, the secretary will determine whether to exclude the segment of the Louisiana byway. The secretary shall provide the applicant and the local commission written reasons for his decision, which shall

consider the petition of the applicant, the recommendation and accompanying documents received from the local byway commission, the recommendation of the Department of Transportation and Development, the statutory guidelines for the selection and establishment of byways as found at R.S. 56:1948 et seq., and any other evidence brought before him.

F. Incorporated communities and municipalities that are located on scenic byways may follow the procedure described above to petition the local commission to exclude segments found within the municipality if such segment does not possess the natural, recreational, archaeological, scenic, cultural or historic features described in R.S. 56:1948 et seq.

G. An excluded segment may nevertheless be included in the byway system by the Department of Culture, Recreation and Tourism, the Department of Transportation and Development, the local commission and other local authorities in official signage and mapping of the byway and other purposes solely to preserve system continuity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1948.7.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 22:

Interested persons may submit written comments on the proposed rule until 4:30 p.m on October 4, 1996 to: Phillip J. Jones, Secretary of the Department of Culture, Recreation and Tourism, Box 94361, Baton Rouge, LA 70804-9361.

A public hearing on the proposed rule will be held on September 27, 1996 at 10 a.m. in the Third Floor Committee Room, Capitol Annex Building, 1051 North Third Street, Baton Rouge, LA.

Phillip J. Jones
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Byways**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is not anticipated that the proposed rule will result in costs or savings to the Department of Culture, Recreation and Tourism or any state or local governmental unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is not anticipated that the proposed rule will have any effect on revenue collections of any governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Landowners or leaseholders of property along Louisiana byways which are eligible for exclusion may benefit from increased potential land uses as a result of exclusion from byways regulations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule may allow for increased economic development opportunities on excluded segments. These increased opportunities may increase competition and employment. Organizations or residents interested in excluding segments of existing or proposed Louisiana byways from the Louisiana byways system may recommend such exclusion to the secretary of CRT. These organizations or residents must accompany their recommendations with a description of the segment to be excluded and a report to justify the exclusion. This report may require clerical or technical assistance in its preparation. Specific costs would depend upon the ability of the recommending interest to personally prepare the report and the extent to which the interest might need outside assistance.

Phillip J. Jones
Monk
Secretary

H. Gordon

9608#046

Chief Coordinator of the
Legislative Fiscal Office